THE HON'BLE SRI JUSTISCE RAMESH RANGANATHAN

WRIT PETITION NO. 2200 OF 1995

Date: 06.02.2006

Between:

Balasaya Goud, S/o Dubba Goud, aged: 32 years, Draughtsman and i/c Asst. Engineer (housing), Mandal Praja Parishad, Gajwel, r/o Gajwel, Medak District.

… Petitioner

and

The A.P. State Housing Corporation Ltd., rep.,by its Managing Director, A.P. Hyderabad. And five others.

… Respondents.

THE HON'BLE SRI JUSTISCE RAMESH RANGANATHAN

WRIT PETITION NO. 2200 OF 1995

ORDER:

The short question which arises for consideration in this writ petition is as to whether the petitioners, three in number, erstwhile Work Inspectors/draughtsmen, are entitled for being regularized in the post of Assistant Engineers solely on the ground that they were made incharge Assistant Engineers for a period of two years.

Sri M. Panduranga Rao, learned Counsel for the petitioners, while fairly conceding that an incharge arrangement does not confer any right for regularization to the post and that reverting such employees, who were holding a higher post under an incharge arrangement, to their substantive post is not

illegal, would contend that since the rules provide for appointment to the post of Assistant Engineer only by way of direct recruitment or promotion, the official respondents were not entitled under the rules to appoint respondents 3 and 4, on deputation.

Learned Counsel would contend that in the absence of deputation being prescribed as a mode of appointment under the statutory rules, it is impermissible for the respondents to appoint respondents 3 and 4, on deputation, to the post of Assistant Engineer.

Sri P. Uday Bhaskar, learned Standing Counsel for the respondents would submit that the qualification prescribed for appointment to the post of Assistant Engineers, either by direct recruitment or by promotion, is B.E. (Civil) from any University recognized by U.G.C. or any equivalent qualification or L.C.E/D.C.E. diploma by the State Board of Technical Education. Learned Standing Counsel would submit that petitioners 2 and 3 are diploma holders, they were subsequently promoted to the post of Assistant Engineers and have consequently withdrawn the writ petition. According to the learned Standing Counsel, it is only the 1st petitioner who is pursuing the matter and inasmuch as he possesses the qualification of I.T.I. which is lower than a diploma in engineering, he is not qualified for appointment to the post of Assistant Engineer.

Recording the submission of the learned Standing Counsel that petitioners 2 and 3 were promoted as Assistant Engineers and as they have withdrawn the writ petition, the only question which survives in the writ petition is as to whether the 1st petitioner is entitled for being appointed to the said post of Assistant Engineer and whether he is entitled to question appointment of respondents 3 and 4 as Assistant Engineers, under deputation. Admittedly, the 1st petitioner does not possess the prescribed qualification for being appointed as an Assistant Engineer. His earlier incharge arrangement does not confer any right of him to claim continuance in the said post or for being regularized thereunder. Since the 1st petitioner does not possess the prescribed qualification and is not entitled, under the rules, for being appointed as Assistant Engineer, it is not open for him to challenge appointment of respondents 3 and 4 as Assistant Engineers.

The writ petition, insofar as the 1st petitioner is concerned, is accordingly dismissed. There shall however be no order as to costs.

Date: 06.02.2006.s

_____

RAMESH RANGANTHAN, J

MRKR